

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL NO. 11**

APPLICANTS: Liliana Quatromini & Elias Alvarez

PH: Z10-196 (11-04-CZ11-2)

SECTION: 29-54-39

DATE: April 14, 2011

COMMISSION DISTRICT: 11

ITEM NO.: 2

A. INTRODUCTION

o SUMMARY OF REQUEST:

The applicants are seeking to legalize the encroachment of an existing gazebo into the rear (southwest) setback area.

o REQUEST:

Applicants are requesting to permit an existing gazebo setback a minimum of 0.4' (5' required) from the rear (southwest) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Gazebo For: Elias Alvarez & Liliana Quatromini," as prepared by Caymart Design, Inc., dated stamped received 12/22/10, consisting of two sheets. Plans may be modified at public hearing.

o LOCATION: 6034 SW 160 Avenue, Miami-Dade County, Florida.

o SIZE: 7,500 sq. ft.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:

*The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1M(b); Single-Family residence

Low Density Residential, 2.5 to 6 du/a

Surrounding Properties:

NORTHEAST: RU-1M(b); single-family residence	Low Density Residential, 2.5 to 6 du
SOUTHWEST: RU-1M(b); lake	Low Density Residential, 2.5 to 6 du
SOUTHEAST: RU-1M(b); single-family residence	Low Density Residential, 2.5 to 6 du
NORTHWEST: RU-1M(b); single-family residence	Low Density Residential, 2.5 to 6 du

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	No objection
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

G. PLANNING AND ZONING ANALYSIS:

The subject property is located at 6034 SW Street in an area zoned RU-1M(b), Single-Family Modified Residential District. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per gross acre. Since the request will not add additional dwelling units to the subject property, the subject site remains **consistent** with the density threshold of the LUP map of the CDMP.

When the request to permit the existing gazebo encroaching into the rear (southwest) setback area is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of the request would be **compatible** with the surrounding area, would not have a negative effect on the appearance of the community, and would not be detrimental to the neighborhood. Staff notes that in June 2009, pursuant to Resolution #CZAB11-11-09, a property located to the northwest of the subject property at 16040 SW 60 Street, was approved for a variance to allow a staircase setback 1' from the rear (south) property line, which also abuts the lake. As such, staff opines that approval of this application to allow the gazebo setback 0.4' from the rear (southwest) property line would not set a precedence in this area for the approval of setback encroachments along the property lines

abutting the lake. Further staff opines that any negative visual impact from the existing encroachment is mitigated by the expanse of the lake to the rear of the subject property, with the nearest residence being approximately 208' to the southwest of the rear property line. Additionally, staff notes that the pictures submitted by the applicant depict the existing gazebo with architecturally pleasing fenestrations which match the existing residence. As such, staff notes that the approval of the request would be **compatible** with the area, and provide an architecturally pleasing enhancement to the aesthetics of the properties abutting the lake in this area. However, staff would recommend as a condition for approval that the gazebo remain open sided and not be enclosed except with approved insect screen materials. **Therefore, staff recommends approval with conditions under the NUV Standards.**

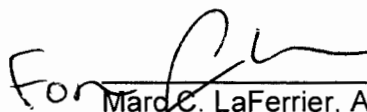
Based on all of the aforementioned, staff opines that the existing gazebo is compatible with the area and therefore recommend approval with conditions of the application under the Non-Use Variance NUV Standards, Section 33-311(A)(4)(b).

H. RECOMMENDATION: Approval with conditions.

I. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion, said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing to the Department of Planning and Zoning entitled "New Gazebo For: Elias Alvarez & Liliana Quatromini," as prepared by Caymart Design, Inc., dated stamped received 12/22/10, consisting of two sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the existing gazebo remains open sided and not be enclosed in any manner except for approved insect screen materials.
5. That the applicants shall obtain a building permit for the gazebo from the Building Department within 90 days after the appeal period deadline date.

DATE TYPED: 02/15/11
DATE REVISED: 02/16/11
DATE FINALIZED: 03/15/11
MCL:MTF:NN:NC:CH



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning NDW